

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2203 of 2025

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Jagarnath Prasad Singh @ Jagannath Prasad Singh Son of Ramchandra Singh
Resident of Village- Dayal Pali, P.O.- Pali Mohan, P.S.- Khajauli, District-
Madhubani and at present posted as Counselor in State Child Protection
Society, Bihar, Children Home, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The Assistant Director, District Child Protection Unit (ADCPU), Darbhanga.
6. The Child Protection Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.
For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-02-2025

Heard the parties.

2. The petitioner is aggrieved with the Advertisement
No. 03/2024 issued under the signature of respondent no.5 by
which applications are invited for various posts of Child Welfare
Department, Darbhanga.

3. Learned counsel for the petitioner contended that
the petitioner was duly appointed on the post of House Father in
Child Welfare Department in Darbhanga way back on
01.02.2014 on contractual basis for a fixed period. However,
time to time his services have been extended and till date the



petitioner has been working there. Referring to the prescription of the impugned advertisement, it is contended that the applications were invited from the eligible candidates, who are up to the age of 45 years. So far the petitioner is concerned, he has already reached 55 years. Moreover, there is neither any relaxation of age nor weightage of past experience has been assigned in the advertisement. The work of the petitioner has always been appreciated by all the authorities concerned. Reference has also been made on the decision passed by the Hon'ble Supreme Court in the case of **Jaggo v. Union of India and Others [SLP (C) No. 5580 of 2024]**, wherein the learned Court relying on its judgment passed in **Vinod Kumar and Others Etc. v. Union of India and Others [(2024) 1 S.C.R. 1230]**, highlighted the predicament of misuse of "Temporary" Labels as well as the arbitrary termination of temporary and contractual employee(s). It is also the contention of the petitioner that identically situated person had approached this Court in C.W.J.C. No. 19405 of 2024, wherein this Court had relegated the matter to the concerned authority to consider his claim.

4. Learned counsel for the State submitted that the petitioner was duly appointed on contractual basis only for 11



months and later on his period of contract has been extended. The terms and conditions clearly suggest that the appointment on contract basis for the fixed period shall not confer any right of employment or to gain any other substantive right as a permanent employee.

5. Regard being had to the submissions advanced on behalf of the parties and considering the fact that for redressal of the grievance, the petitioner seeks permission to approach the concerned respondent, the writ petition stands disposed off with a liberty to the petitioner to file a proper representation before the respondent no.3, the Director, Social Welfare Department, Government of Bihar, Patna, who shall consider the claim of the petitioner in the light of the mandate of the Hon'ble Apex Court in **Jaggo (supra) and Vinod Kumar (supra)**, preferably within a period of eight weeks from today and pass an appropriate order keeping in mind the petitioner has been satisfactorily discharging his work for the last ten years.

(Harish Kumar, J)

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